

Patent
Attorney Docket No. 032722-571

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application of)
U.S. Patent No. 4,984,972) **MAIL STOP**
Inventor: Earl W. CLAUSEN et al.)
Issue: January 15, 1991)
For: CENTRIFUGAL BLOOD PUMP)

DECLARATION UNDER 37 C.F.R. § 1.175

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Mark S. Sutter, having a residence and mailing address at Dexter, MI, hereby declare that, as the President and CEO of Terumo Cardiovascular Systems Corporation ("Terumo"), the assignee of United States Letters Patent No. 4,984,972, I am authorized to act on behalf of Terumo which owns the entire title to U.S. Patent No. 4,984,972.

I further declare the following:

It is believed that U.S. Letters Patent No. 4,984,972 may be at least partly inoperative or invalid for the reason that it claims more than there was a right to claim.

That error is characterized by the fact that at least claims 1, 19 and 38 may be invalid over the disclosure of Laing U.S. Patent No. 3,771,910 granted on November 13, 1973 and of record in US. Letters Patent 4,984,972.

That error arose without any deceptive intention.

In view of the foregoing, U.S. Patent No. 4,984,972 should be reissued with the claims now presented or with claims commensurate in scope therewith.

WHEREFORE, the undersigned representative of the assignee requests a reissue patent as herein sought for the purpose of adequately, clearly and fully protecting the disclosed invention to which the arrangement is entitled.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 7-22-03

Mark A. Sutter
Mark A. Sutter
President & CEO
Terumo Cardiovascular Systems Corporation